

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1216 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT WATER SUPPLY & SEWERAGE BOARD & 3

Versus

MA RADADIA

Appearance:

MR DG CHAUHAN for Petitioners

MR MB PARIKH for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/12/98

ORAL JUDGEMENT

The plaintiff-respondent challenges the order of the defendants-petitioners of terminating his services. The suit has been decreed in his favour and decree for reinstatement with full backwages has been passed by the civil court. The matter has been taken up by the defendants-petitioners in appeal. During the pendency of appeal, as there was no stay against the execution of decree passed by the trial court, the

plaintiff-respondent put the decree in execution and the Executing Court passed the order against the defendants-petitioners to deposit all the arrears of the backwages in the Court. The defendants-petitioners then filed an application in the appeal for stay of the execution of decree, which came to be dismissed under the impugned order.

This revision application has come up for admission before this Court on 21-11-1994 on which date, notice has been issued to other side and the order of the Executing Court was stayed. That interim relief was then confirmed by this Court on 23-6-1995.

Learned counsel for the defendants-petitioners submit that the first appeal is still pending in the first appellate court. It is really shocking that appeal of the year 1994 has not been decided so far by the appellate court. Be that as it may.

The order of the Executing Court is stayed by this Court and that stay continues for all these years. The interest of justice will be met in case this civil revision application is disposed of in terms that the interim relief granted by this Court shall continue till the decision of the appeal. The appellate court is directed to decide the appeal finally within a period of four months from the date of receipt of writ of this order. The civil revision application and Rule stand disposed of accordingly with no order as to costs.

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